

**REMARKS**

The applicant has carefully reviewed and considered the Office Action of 1 May 2007. In response to this Office Action the applicant amends independent claims 1 and 13 so as to more clearly patentably distinguish over the cited prior art. Claim 14 is amended so as to be consistent with the new language in claim 13. Further, claims 22-26 are canceled without prejudice.

The substantive rejections of the claims will be discussed in the following subparagraphs.

**I. THE REJECTION OF CLAIMS 1-21 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER U.S. PATENT 5,513,418 TO WEBER WHEN CONSIDERED IN COMBINATION WITH U.S. PATENT 6,289,552 TO MCCORMICK**

As best illustrated in Figure 5 and described in the text at column 2, lines 38-48 and column 3, lines 9-17, the Weber patent discloses a fitting for a main suction body and nozzle assembly that includes an air guide 16 and a conduit 12 defining an intake port.

In formulating the rejection the Examiner notes that the primary reference to Weber does not disclose the components of a standard upright vacuum cleaner. Accordingly, the Examiner refers to and relies upon the McCormick reference to provide this teaching.

As amended, independent claims 1 and 13 of the present application explicitly provide that the agitator cavity fitting is received in the agitator cavity of the nozzle assembly (claim 1) or housing (claim 13). Clearly the nozzle body 11 illustrated and disclosed in the Weber patent completely forms the entire agitator cavity including the air guide 16 and conduit 12. Weber does not disclose, teach or suggest a separate nozzle assembly including a housing defining an agitator cavity that receives an agitator cavity fitting as explicitly set forth in amended claims 1 and 13 of the present application. Thus, whether considered alone or in combination, the Weber and McCormick references do not disclose the cited structure. Claims 1 and 13 therefore patentably distinguish over this art and they should be formally allowed.

Claims 2-12 and 14-21 which depend from independent claims 1 and 13 are rejected on the same grounds and patentably distinguish for the same reasons. Accordingly, these dependent claims should also be allowed.

**CONCLUSION**

In summary, all the pending claims patentably distinguish over the prior art and should be formally allowed. Upon careful review and consideration it is believed that the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Respectfully submitted,

**KING & SCHICKLI, PLLC**

A handwritten signature in dark ink, appearing to read "Warren D. Schickli", with a stylized flourish at the end.

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